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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tracey L. Colpitts et al :
Application No. 09/549,342 :
Filed: April 13, 2000 :
Attorney Docket No. 5972.US.P6 :

This is a decision on the petition filed September 1, 2006, under 37 CFR 1.181(a) to withdraw holding of abandonment, or, in the alternative, under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned for failure to timely reply to the Notice Regarding Drawings mailed April 29, 2005. A review of the file record does not show that a timely reply (from an **appropriate** party (see 37 CFR 1.33(b)) to the Notice of April 29, 2005 was ever received. Petitioner had an obligation to submit a written response pursuant to 35 U.S.C. §133 and 37 C.F.R. 1.135.


In view of the above, the petition to withdraw the holding of abandonment cannot be granted at this time.

However, the petition under 37 CFR 1.137(b) to revive the above-identified application, is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

The application file is being forwarded to the Office of Patent Publication and for review of the copy¹ of the drawings submitted with the petition on September 1, 2006.


Karen Creasy
Petitions Examiner
Office of Petitions

¹Office records do show that formal drawings (2 sheets) were filed on February 26, 2002.